

**BEFORE
THE PUBLIC SERVICE COMMISSION
SOUTH CAROLINA
DOCKET NO. 2021-141-T**

Application of)	
)	
UPSTATE MOVING & MORE, LLC)	CONSENT MOTION FOR
)	PERMISSION TO
for Class E (Household Goods) Certificate of)	PRESENT SHIPPER WITNESS
Public Conveyance and Necessity for)	TESTIMONY BY AFFIDAVIT
Operation of Motor Vehicle)	
_____)	

Upstate Moving & More, LLC (“Applicant”) moves for permission to present the testimony of its shipper witness by affidavit. The Commission’s regulation concerning the proof required to support an application for a Certificate of Public Convenience and Necessity for a Class E move of household goods statewide authority is found in S.C. Code Regs. 103-333 (the “Regulation”).

Regarding the testimony of shipper witness, the Regulation states:

PC&N (Household Goods and Hazardous Waste for Disposal).
An application for a Certificate of PC&N or to amend a Certificate of PC&N to operate as a carrier of household goods or hazardous waste for disposal by motor vehicle may be approved upon a showing that the application is fit, willing, and able to appropriately perform the proposed service and that public convenience and necessity is not already being served in the territory by existing authorized service. The public convenience and necessity criterion must be shown by the use of shipper witness, if the applicant applies for authority for more than three contiguous counties.
If the Commission determines that the public convenience and Necessity is already being served, the commission may deny the application. The following criteria should be used by the Commission in determining that an applicant for motor carrier operating authority is fit, willing and able to provide the requested service to the public:

S.C. Code Regs. 103-133.1 (emphasis added)

In the interest of administrative economy (judicial economy in the administrative law context), the Applicant's request that the Commission allows the regulation's requirement of "use of a shipper witness" to be satisfied by the submission of an affidavit.

While the Commission's practice historically has been to allow an Applicant to take the testimony of shipper witnesses by deposition to be used at the hearing, recently the Commission has approved the use of an affidavit. *See e.g.*, Application of Upstate Moving & More, LLC, Docket No. 2022-60-T. The Office of Regulatory Staff (the only party other than the Applicant in this Docket) would have the right to contest the adequacy of an affidavit. Counsel for Applicant has discussed this Motion with counsel for the ORS, and the ORS does not object to the relief sought herein.

Therefore, Applicant respectfully requests the Commission to allow it to present the testimony of its shipper witness by affidavit. The Applicant attaches the Shipper Witness Affidavit of Latoya Clark as **Exhibit A** hereto.



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Greenville, South Carolina
May 13, 2022

**BEFORE
THE PUBLIC SERVICE COMMISSION
SOUTH CAROLINA
DOCKET NO. 2022-60-T**

Application of)
)
Upstate Moving & More, LLC)
)
for Class E (Household Goods))
Certificate of Public Conveyance)
and Necessity for Operation of)
Motor Vehicle)
_____)

**CERTIFICATE OF
SERVICE**

This is to certify that I, Lucas, C. Marchant, have this date served one (1) Copy of the **CONSENT MOTION FOR PERMISSION TO PRESENT SHIPPER WITNESS TESTIMONY BY AFFIDAVIT (with attached Exhibit A)** in the above-referenced matter to the person(s) named below by causing said copy to be electronically mailed, addressed as shown below:

Benjamin P. Mustain
Office of Regulatory Staff
bmustian@ors.sc.gov

Carri Brube Lybarker
SC Department of Consumer Affairs
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Roger P. Hall
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**AFFIDAVIT OF
SHIPPER WITNESS**

Being duly deposed and sworn, Affiant states:

1. My name is Latoya Clark, and my address is 731 East Greenville Street, Suite D 215, Anderson, South Carolina 29621.
2. I am giving this affidavit in support of the application of Upstate Moving & More, LLC for a Class E Certificate of Public Convenience and Necessity with statewide authority to move household goods to points and places throughout the state of South Carolina.
3. I am employed by Keller Williams – Greenville Upstate, as a real estate agent. I have been employed in the real estate industry in this capacity since 2020. My responsibilities include showing properties, assisting buyers and sellers with the sale and/or purchase of homes, overseeing closures and inspections, locating and engaging vendors to assist with property repairs, and negotiating deals.
4. I know of the need for household goods movers in South Carolina from personal experience and from real estate industry trends. On a personal level, I frequently encounter people who are moving from one home to another, and from one part of South Carolina to another. They often ask me to recommend moving companies. There are many moving companies, but ones that are good, reliable, and available are always in demand. As a realtor, I am also familiar with South Carolina's housing trends with demand and sales at an all-time high.
5. Based on my knowledge of the need for household goods movers in South Carolina, I believe the public interest would be served in granting a Certificate of Public Convenience and Necessity to Upstate Moving & More, LLC. Upstate Moving & More, LLC is good, reliable, and available. The demand for movers of this type is such that, with increased demand, the market is not currently being adequately served.

6. I also would like the Commission to know that Upstate Moving & More, LLC will treat customers fairly and provide excellent customer service.

Further Affiant sayeth not.

Latoya Clark
Affiant

Affiant printed name: Latoya Clark

Sworn to me this 13 day of MAY 2022

Luc. MA
Notary Public for South Carolina
My Commission expires: 1/25/2027

